

JAMES M. CHUDNOW
JOHN L. MESSINGER

IBLA 82-984

Decided August 10, 1983

Appeal from decision of Montana State Office, Bureau of Land Management, rejecting oil and gas lease offer M 51964(ND).

Affirmed.

1. Oil and Gas Leases: Applications--Oil and Gas Leases: Lands Subject to--Evidence: Sufficiency

Where appellants aver, without offering proof to show the basis of their averment, that lands which were the subject of appellants' oil and gas lease offer were acquired by the United States, Bureau of Land Management correctly rejected the offer to lease lands shown on Government records not to be in United States ownership.

APPEARANCES: James M. Chudnow and John L. Messinger, pro sese.

OPINION BY ADMINISTRATIVE JUDGE ARNESS

James M. Chudnow and John J. Messinger (appellants), appeal a May 26, 1982, decision by the Montana State Office, Bureau of Land Management (BLM), rejecting their lease offer M 51964(ND) to lands located in North Dakota. The BLM decision recites that the lands sought to be leased by appellants have not been acquired by the United States, according to United States land records. Appellants, in their statement of reasons, question this determination generally, stating that the land was acquired as part of a Corps of Engineers project in the 1940's. No proof in support of this assertion is offered. The record on appeal affirmatively indicates the land has not been acquired by the United States.

[1] It is the obligation of appellants to show that error, as claimed, exists in fact. When a statement of reasons fails to specify the error claimed to be the basis for appeal, and fails to offer proof to show the error claimed, the appeal must be denied. See Rocky Mountain Natural Gas Co., 55 IBLA 3, 4 (1981), and cases cited.

Although this issue is dispositive of the appeal, appellants' remaining contention, that the lands for which offer to lease is made are not within a national wildlife refuge, is also unsupported by any evidence to show that BLM erroneously found part of the lands to be within a refuge. It is, therefore, also without merit. See Rocky Mountain Natural Gas Co., supra.

Therefore, pursuant to the authority delegated to the Board of Land Appeals, 43 CFR 4.1, the decision appealed is affirmed.

Franklin D. Arness
Administrative Judge
Alternate Member

We concur:

Douglas E. Henriques
Administrative Judge

James L. Burski
Administrative Judge

